

December 30, 2008

Ms. Lucy I. Vandenberg
Executive Director, Council on Affordable Housing
PO Box 813
101 South Broad Street
Trenton, NJ, 08625-0813

Subject: **Submission of Fair Share Plan for the Borough of Prospect Park,
County of Passaic**

Dear Ms. Vandenberg:

Enclosed please find for the Council's review the Housing Element and Fair Share Plan adopted by the Borough of Prospect Park, County of Passaic.

As part of this submission, please find the following items:

- ✓ One completed petition application signed and certified with my signature;
- ✓ One copy of the adopted Third Round Housing Element and Fair Share Plan (including a draft development fee ordinance);
- ✓ One Planning Board Resolution adopting or amending the Housing Element and Fair Share Plan;
- ✓ One Borough Council resolution endorsing an adopted Housing Element and Fair Share Plan
- ✓ One service list;
- ✓ One copy of the 2000 Master Plan;
- ✓ One copy of the Municipal Zoning Ordinance;
- ✓ One set of Municipal Tax maps; and
- ✓ One checklist detailing the Borough's Rehabilitation program;

Please do not hesitate to call me if you have any questions about this submission or require any additional materials.

Yours sincerely,

Paul Ricci
External Plan Preparer for the Borough of Prospect Park

www.ppsaplanning.com

434 Sixth Avenue
New York, NY 10011
212 475 3030
Fax 475 0913

125 Half Mile Road, Suite 200
Red Bank, NJ 07701
732 933 2749
Fax 933 2748

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STATE OF NEW JERSEY
DEPARTMENT OF COMMUNITY AFFAIRS
COUNCIL ON AFFORDABLE HOUSING
PETITION APPLICATION



This application is a guideline for creating a Housing Element and Fair Share Plan. A completed version of this application must be submitted as part of your petition for substantive certification to COAH. This application will be used by COAH staff to expedite review of your petition. This application can serve as your municipality's Fair Share Plan. A brief narrative component of the Fair Share Plan should be included with this application and can serve primarily to supplement the information included in the application form. Additionally, the narrative section of the Fair Share plan would include a description of any waivers being requested.

This form reflects COAH's newly adopted procedural and substantive rules and the amendments to those rules adopted on September 22, 2008. Footnotes and links to some helpful data sources may be found at the end of each section. To use this document electronically, use the TAB KEY to navigate from field to field. Enter data or use the Right Mouse Button to check boxes.

MUNICIPALITY	Prospect Park	COUNTY PLANNING AREA(S)	Passaic
COAH REGION	<u>1</u>		1
SPECIAL RESOURCE AREA(S)	_____		
PREPARER NAME	Paul Ricci, Pp	TITLE	Associate
EMAIL	Pricci@Ppsapanning.Com	PHONE NO.	212-475-3030
ADDRESS	434 6 th Ave., New York, NY 10011	FAX NO.	212-475-0913
MUNICIPAL HOUSING LIAISON	Yancy Yazirmus	TITLE	Municipal Clerk
EMAIL	Wazirmasy@Prospectpark.Net	PHONE NO.	973-790-7902
ADDRESS	<u>Township Of Holmdel</u> <u>106 Brown Avenue</u> <u>Prospect Park</u>	FAX NO.	973-790-6632

Enter the date(s) that COAH granted Substantive Certification or that the Court granted a Judgment of Compliance (JOC) on the Housing Element and Fair Share Plan.

History of Approvals	<u>COAH</u>	<u>JOC</u>	<u>N/A</u>
First Round	_____	_____	<input checked="" type="checkbox"/>
Second Round	_____	_____	<input checked="" type="checkbox"/>
Extended Second Round	_____	_____	<input checked="" type="checkbox"/>

Does the Petition include any requests for a waiver from COAH Rules? ☒ Yes ☐ No
If Yes, Please note rule section from which waiver is sought and describe further in a narrative section:5:97-6.2 (d)3

FILING/PETITION DOCUMENTS (N.J.A.C. 5:96-2.2/3.2 & N.J.A.C. 5:97-2.3/3.2)

All of the following documents must be submitted in order for your petition to be considered complete. Some documents may be on file with COAH. Please denote by marking the appropriate box if a document is attached to the Housing Element and Fair Share Plan or if you are using a document on file with COAH from your previous third round submittal to support this petition. Shaded areas signify items that must be submitted anew.

Included	On File	Required Documentation/Information
<input checked="" type="checkbox"/>		Certified Planning Board Resolution adopting or amending the Housing Element & Fair Share Plan
<input checked="" type="checkbox"/>		Certified Governing Body Resolution endorsing an adopted Housing Element & Fair Share Plan and either (check appropriate box): <input checked="" type="checkbox"/> Petitioning <input type="checkbox"/> Filing <input type="checkbox"/> Re-petitioning <input type="checkbox"/> Amending Certified Plan
<input checked="" type="checkbox"/>		Service List (in the new format required by COAH)
<input checked="" type="checkbox"/>		Adopted Housing Element & Fair Share Plan narrative (including draft and/or adopted ordinances necessary to implement the Plan)
<input checked="" type="checkbox"/> <input type="checkbox"/> N/A		If applicable, Implementation Schedule(s) with detailed timetable for the creation of units and for the submittal of all information and documentation required by N.J.A.C. 5:97-3.2(a)4
<input type="checkbox"/> <input checked="" type="checkbox"/> N/A	<input type="checkbox"/>	If applicable, Litigation Docket No., OAL Docket No., Settlement Agreement and Judgment of Compliance or Court Master's Report
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Municipal Master Plan (most recently adopted; if less than three years old, the immediately preceding, adopted Master Plan)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Municipal Zoning Ordinance (most recently adopted) ¹ Date of Last Amendment: _____ Date of Submission to COAH: <u>12/1/2008</u>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Municipal Tax Maps (most up-to-date, electronic if available) Date of Last Revision: _____ Date of Submission to COAH: <u>12/1/2008</u>
<input type="checkbox"/>	<input type="checkbox"/>	Other documentation pertaining to the review of the adopted Housing Element & Fair Share Plan(list): _____

FOR OFFICE USE ONLY

Date Received _____ Affidavit of Public Notice _____ Date Deemed _____
Complete/Incomplete _____ Reviewer's Initials _____

¹ Pursuant to N.J.S.A. N.J.S.A. 52:27D-307, as amended by PL 2008 c.46, any residential development resulting from a zoning change made to a previously non-residentially-zoned property, where the change in zoning precedes or follows the application for residential development by no more than 24 months, shall require that a percentage be reserved for occupancy by low or moderate income households.

HOUSING ELEMENT

(N.J.A.C. 5:97-2 & N.J.S.A. 40:55D-1 et seq.)

The following issues and items must be addressed in the Housing Element for completeness review. Where applicable, provide the page number(s) on which each issue and/or item is addressed within the narrative Housing Element.

1. The plan includes an inventory of the municipality's housing stock by¹:

- ☒ Age;
- ☒ Condition;
- ☒ Purchase or rental value;
- ☒ Occupancy characteristics; and
- ☒ Housing type, including the number of units affordable to low and moderate income households and substandard housing capable of being rehabilitated

☒ Yes, Page Number: 578910 ☐ No (incomplete)
7777

2. The plan provides an analysis of the municipality's demographic characteristics, including, but not necessarily limited to²:

- ☒ Population trends
- ☒ Household size and type
- ☒ Age characteristics
- ☒ Income level
- ☒ Employment status of residents

☒ Yes, Page Number: 69101112 ☐ No (incomplete)
1111

3. The plan provides an analysis of existing and future employment characteristics of the **municipality**, including but not limited to³:

- ☒ Most recently available in-place employment by industry sectors and number of persons employed;
- ☒ Most recently available employment trends; and
- ☒ Employment outlook

☒ Yes, Page Number: 12 ☐ No (incomplete)

4. The plan includes a determination of the municipality's present and prospective fair share for low and moderate income housing and an analysis of how existing or proposed changes in zoning will provide adequate capacity to accommodate residential and non-residential growth projections.
AND

The analysis covers the following:

- ☒ The availability of existing and planned infrastructure;
- ☒ The anticipated demand for the types of uses permitted by zoning based on present and anticipated future demographic characteristics of the municipality;
- ☒ Anticipated land use patterns;
- ☐ Municipal economic development policies;
- ☐ Constraints on development including State and Federal regulations, land ownership patterns, presence of incompatible land uses or sites needing remediation and environmental constraints; and
- ☐ Existing or planned measures to address these constraints.

☐ Yes, Page Number: 27 ☐ No (incomplete)

5. The plan includes a consideration of lands that are most appropriate for construction of low and moderate income housing and of the existing structures most appropriate for conversion to, or rehabilitation for, low and moderate income housing, including a consideration of lands of developers who have expressed a commitment to provide low and moderate income housing.

☒ Yes, Page Number: 2021 ☐ No (incomplete)

6. The plan relies on household and employment projections for the municipality as provided in Appendix F of COAH's rules (if yes check the yes box below and check no in lines 6a-8).

☒ Yes, Page Number: 15 ☐ No (go to 6a)

- 6a. The Plan relies on higher household and employment projections for the municipality as permitted under N.J.A.C. 5:97-2.3(d) (optional - see Fair Share Plan section starting on page 7 of this application).

☐ Yes (go to 7 and 8) ☒ No (go to 6b)

- 6b. The Plan relies on a request for a downward adjustment to household and employment projections for the municipality as provided in N.J.A.C. 5:97-5.6 (optional - see Fair Share Plan section starting on page 7 of this application).

☐ Yes, Page Number: _____ ☒ No

7. If the municipality anticipates higher household projections than provided by COAH in Appendix F, the plan projects the municipality's probable future construction of housing for fifteen years covering the period January 1, 2004 through December 31, 2018 using the following minimum information for residential development:

- ☐ Number of units for which certificates of occupancy were issued since January 1, 2004;
- ☐ Pending, approved and anticipated applications for development;
- ☐ Historical trends, of at least the past 10 years, which includes certificates of occupancy issued; and
- ☐ The worksheet for determining a higher residential growth projection provided by COAH. (Worksheets are available at www.nj.gov/dca/affiliates/coah/resources/gsworksheets.html)

☐ Yes, Page Number: _____

☐ No (incomplete)

☒ Not applicable (municipality accepts COAH's projections)

8. If the municipality anticipates higher employment projections than provided by COAH in Appendix F, the plan projects the probable future jobs based on the use groups outlined in Appendix D for fifteen years covering the period January 1, 2004 through December 31, 2018 for the municipality using the following minimum information for non-residential development:

- ☐ Square footage of new or expanded non-residential development authorized by certificates of occupancy issued since January 1, 2004;
- ☐ Square footage of pending, approved and anticipated applications for development;
- ☐ Historical trends, of at least the past 10 years, which shall include square footage authorized by certificates of occupancy issued;
- ☐ Demolition permits issued and projected for previously occupied non-residential space; and
- ☐ The worksheet for determining a higher non-residential growth projection provided by COAH.

☐ Yes, Page Number: _____

☐ No (incomplete)

☒ Not applicable (municipality accepts COAH's projections)

9. The plan addresses the municipality's :

- ☒ Rehabilitation share (from Appendix B);
- ☒ Prior round obligation (from Appendix C); and
- ☒ Projected growth share in accordance with the procedures in N.J.A.C. 5:97-2.4.

☒ Yes, Page Number: 19 ☐ No (incomplete)

10. If applicable, the plan includes status of the municipality's application for plan endorsement from the State Planning Commission.

☐ Yes, Page Number: _____ ☐ No (incomplete) ☒ Not Applicable

Petition date: _____ Endorsement date: _____

¹ Information available through the U.S. Census Bureau at

http://factfinder.census.gov/servlet/ACSSAFFHousing?sse=on&submenuId=housing_0

² Information available through the U.S. Census Bureau at <http://factfinder.census.gov/home/saff/main.html>.

³ Information available through the New Jersey Department of labor at

<http://www.wnjin.net/OneStopCareerCenter/LaborMarketInformation/lmil4/index.html>

FAIR SHARE PLAN (N.J.A.C. 5:97-3)

Please provide a summary of the Fair Share Plan by filling out all requested information. Enter N/A where the information requested does not apply to the municipality. A fully completed application may serve as the actual Fair Share Plan. A brief narrative should be attached to supplement the information included in the application form. Additionally, the narrative section of the Fair Share plan would fully describe, under a separate heading, any waivers that are being requested.

Determining the 1987-2018 Fair Share Obligation

The following tables will assist you in determining your overall 1987-2018 fair share obligation. For each cycle of the affordable housing need and rehabilitation share, please use the "need" column to enter the number of units addressed in the municipal petition. Where the municipality has received and/or is proposing any adjustments to its rehabilitation share, prior round and/or growth share obligation, use the footnotes providing rule references and follow the procedures for determining the municipal need and/or for calculating any adjustments applicable to the municipality. Enter the affordable housing need as provided by COAH or that results from the adjustment under the "Need" column.

Line		<u>Need</u>
1	<input type="radio"/> Rehabilitation Share (From N.J.A.C. 5:97 Appendix B) OR	<u>60</u>
2	<input type="radio"/> Optional Municipally Determined Rehabilitation Share (If a municipally determined rehabilitation share is being used, attach the survey results as an exhibit to this application and indicate that it is attached as Exhibit _____.)	_____
		<u>Need</u>
3	<input type="radio"/> Prior Round (1987-1999) Affordable Housing Obligation (From N.J.A.C. 5:97 Appendix C)	<u>0</u>
	<input type="radio"/> Prior Round Adjustments:	
	<input type="radio"/> 20% Cap Adjustment	_____
	<input type="radio"/> 1000 Unit Cap Adjustment	_____
4	Total Prior Round Adjustments	_____
5	Adjusted Prior Round Obligation: (Number in Appendix C minus Total Prior Round Adjustment(s))	_____
	<input type="radio"/> Prior Round Vacant Land Adjustment (Unmet Need)	_____
6	Realistic Development Potential(RDP) ¹	_____

¹ RDP = Adjusted Prior Round Obligation minus Vacant Land Adjustment

Determining the Growth Share Obligation

All municipalities must complete the "COAH projections" table below. Only municipalities that anticipate higher projections or that are seeking a growth projection adjustment based on a demonstration that insufficient land capacity exists to accommodate COAH projections need complete the corresponding additional table. COAH has published three workbooks in Excel format to assist with preparing this analysis. All municipalities must complete Workbook A. Workbook B must be used when the municipality anticipates that its growth through 2018 is likely to exceed the growth through 2018 that has been projected by COAH and the municipality wants to plan accordingly. Workbook C must be used by municipalities seeking a downward adjustment to the COAH-generated growth projections based on an analysis of municipal land capacity. Workbooks may be found at the following web location:

www.nj.gov/dca/affiliates/coah/resources/gsworksheets.html.

The applicable workbook has been completed and is attach to this application as Exhibit A.

Line	○ <i>Required 2004-2018 COAH Projections and Resulting Projected Growth Share</i>			
	Household Growth	<u>55</u>	Employment Growth	<u>135</u>
	(From Appendix F)		(From Appendix F)	
	Household Growth After		Employment Growth After	
	Exclusions (From Workbook A)	_____	Exclusions (From Workbook A)	_____
	Residential Obligation		Non-Residential Obligation	
	(From Workbook A)	_____	(From Workbook A)	_____
7	Total 2004-2018 Growth Share Obligation			<u>19.00</u>
	○ <i>Optional 2004-2018 Municipal Projections Resulting in Higher Projected Growth Share</i>			
	Household Growth After		Employment Growth After	
	Exclusions (From Workbook B)	_____	Exclusions (From Workbook B)	_____
	Residential Obligation		Non-Residential Obligation	
	(From Workbook B)	_____	(From Workbook B)	_____
8	Total 2004-2018 Projected Growth Share Obligation			_____
	○ <i>Optional Municipal Adjustment to 2004-2018 Projections and Resulting Lower Projected Growth Share</i>			
	Household Growth After		Employment Growth After	
	Exclusions (From Workbook C)	_____	Exclusions (From Workbook C)	_____
	Residential Obligation		Non-Residential Obligation	
	(From Workbook C)	_____	(From Workbook C)	_____
9	Total 2004-2018 Growth Share Obligation			_____
10	Total Fair Share Obligation (Line 1 or 2 + Line 5 or 6 + Line 7, 8 or 9)			<u>79.00</u>

Summary of Plan for Total 1987-2018 Fair Share Obligation

(For each mechanism, provide a description in the Fair Share Plan narrative. In the table below, specify the number of completed or proposed units associated with each mechanism.)

	<u>Completed</u>	<u>Proposed</u>	<u>Total</u>
Rehabilitation Share			
<i>Less: Rehabilitation Credits</i>	<u>0</u>		<u>0</u>
Rehab Program(s)		<u>60</u>	<u>60</u>
Remaining Rehabilitation Share			<u>60</u>
Prior Round (1987-1999 New Construction) Obligation			<u>0</u>
<i>Less: Vacant Land Adjustment (If Applicable)</i>			
<i>(Enter unmet need as the adjustment amount. Unmet need = Prior round obligation minus RDP):</i>			
Unmet Need			_____
RDP			_____
Mechanisms addressing Prior Round	_____	_____	_____
Prior Cycle Credits (1980 to 1986)			_____
Credits without Controls			_____
Inclusionary Development/Redevelopment	_____	_____	_____
100% Affordable Units	_____	_____	_____
Accessory Apartments	_____	_____	_____
Market-to-Affordable	_____	_____	_____
Supportive & Special Needs	_____	_____	_____
Assisted Living	_____	_____	_____
RCA Units previously approved	_____	_____	_____
Other	_____	_____	_____
Prior Round Bonuses	_____	_____	_____
Remaining Prior Round Obligation	_____	_____	<u>0</u>
Third Round Projected Growth Share Obligation			_____
<i>Less: Mechanisms addressing Growth Share</i>			
Inclusionary Zoning	_____	_____	_____
Redevelopment	_____	_____	_____
100% Affordable Development	_____	_____	_____
Accessory Apartments	_____	_____	_____
Market-to-Affordable Units	_____	_____	_____
Supportive & Special Need Units	_____	_____	_____
Assisted Living: post-1986 Units	_____	_____	_____
Other Credits	_____	<u>6</u>	<u>6</u>
Compliance Bonuses	_____	_____	_____
Smart Growth Bonuses	_____	_____	_____
Redevelopment Bonuses	_____	_____	_____
Rental Bonuses	_____	_____	_____
Growth Share Total	_____	_____	_____
Remaining (Obligation) or Surplus	_____	<u>13</u>	<u>13</u>

PARAMETERS¹

<u>Prior Round 1987-1999</u>			
RCA Maximum		RCAs Included	
Age-Restricted Maximum		Age-Restricted Units Included	
Rental Minimum		Rental Units Included	

<u>Growth Share 1999-2018</u>			
Age-Restricted Maximum	4	Age-Restricted Units Included	0
Rental Minimum	5	Rental Units Included	0
Family Minimum	10	Family Units Included	6
Very Low-Income Minimum ²	3	Very Low-Income Units Included	6

¹ Pursuant to the procedures in N.J.A.C. 5:97-3.10-3.12

² Pursuant to N.J.S.A. 52:27D-329.1, adopted on July 17, 2008, at least 13 percent of the housing units made available for occupancy by low-income and moderate income households must be reserved for occupancy by very low income households.

Summary of Built and Proposed Affordable Housing

Provide the information requested regarding the proposed program(s), project(s) and/or unit(s) in the Fair Share Plan. Use a separate line to specify any bonus associated with any program, project and/or unit in the Plan. As part of completeness review, all monitoring forms must be up-to-date (i.e. 2007 monitoring must have been submitted previously or included with this application) and all proposed options for addressing the affordable housing obligation must be accompanied by the applicable checklist(s) (found as appendices to this application). Enter whether a project is proposed or completed and attach the appropriate form or checklist for each mechanism as appendices to the plan. Please note that bonuses requested for the prior round must have been occupied after December 15, 1986 and after June 6, 1999 for the third round.

Please make sure that a corresponding mechanism checklist is submitted for each mechanism being employed to achieve compliance. Separate checklists for each mechanism are available on the COAH website at www.nj.gov/dca/affiliates/coah/resources/checklists.html.

Table 1. Projects and/or units addressing the Rehabilitation Share

Project/Program Name	Proposed (use Checklists) or Completed (use <u>Rehabilitation Unit Survey Form</u>)	Rental, Owner Occupied or Both	Checklist or Form Appendix Location ¹
1. <u>Municipal Progra</u>	<u>Proposed</u>	<u>Both</u>	<u>2</u>
2. _____	_____	_____	_____
3. _____	_____	_____	_____

¹ If all completed units have already been reported to COAH as part of 2007 monitoring or subsequent CTM updates, there is no need to re-submit Rehabilitation Unit Survey Forms. If additional units have been completed subsequent to 2007 monitoring, the municipality may submit updated forms. If the plan relies only on completed units previously reported via 2007 monitoring, enter "on file" in this column.

Table 2. Programs, Projects and/or units addressing the Prior Round.

Project/Program Name	Mechanism or Bonus Type	Proposed (use checklists) or Completed (use Project/Unit Program Information Forms)	Units Addressing Obligation (Note with "BR" where Special Needs bedrooms apply)	Number Addressing Rental Obligation)	Number Subject to Age- Restricted Cap	Checklist or Form Appendix Location ¹
1. N/A						
2.						
3.						
4.						
5.						
6.						
7.						
8.						
9.						
10.						
11.						
12.						
13.						
14.						
15.						
Subtotal from any additional pages used						
Total units (proposed and completed)						
Total rental						
Total age-restricted						
Total very-low						
Total bonuses						
Please add additional sheets as necessary.						

¹ If all completed units have already been reported to COAH as part of 2007 monitoring or subsequent CTM updates, there is no need to re-submit monitoring forms. If additional units have been completed subsequent to 2007 monitoring, the municipality may submit updated forms. If the plan relies only on completed units previously reported via 2007 monitoring, enter "on file" in this column.

Table 3. Programs, Projects and/or Units Addressing the Third Round.

Project Name	Mechanism or Bonus Type	Proposed (use checklist(s)) or Completed (use Project/Unit Program Information Form)	Units Addressing Obligation (Note with "BR" where Special Needs bedrooms apply)	Units Addressing Rental Obligation	Units Addressing Family Obligation	Units Subject to Age- restricted Cap	Checklist or Form Appendix Location ¹
16. Group Home - 17 Fairview Ave	Special Needs	<u>Proposed</u>	<u>6</u>	<u>0</u>	<u>6</u>	<u>0</u>	<u>0</u>
17.							
18.							
19.							
20.							
21.							
22.							
23.							
24.							
25.							
26.							
27.							
28.							
29.							
30.							
Subtotal from any additional pages used				Total units (proposed and completed)			
Total family units			<u>6</u>	Total rental units			
Total age-restricted units			<u>0</u>	Total family rental units			
Total Supportive/Special Needs units				Total very-low units			
Total Special Needs bedrooms			<u>6</u>	Total bonuses			
			Please add additional sheets as necessary.				

¹ If all completed units have already been reported to COAH as part of 2007 monitoring or subsequent CTM updates, there is no need to re-submit monitoring forms. If additional units have been completed subsequent to 2007 monitoring, the municipality may submit updated forms. If the plan relies only on completed units previously reported via 2007 monitoring, enter "on file" in this column.

Please answer the following questions necessary for completeness review regarding the municipality's draft and/or adopted implementing ordinances.

AFFORDABLE HOUSING TRUST FUND (N.J.A.C. 5:97-8)

1. Does the municipality have an affordable housing trust fund account? **(Note: Pursuant to P.L. 2008 c.46, municipalities that do not submit a fully executed escrow agreement will forfeit the ability to retain development fees.)**

☐ Yes, Bank Name _____

(Choose account type) ☐ Separate interest-bearing account

☐ State of New Jersey cash management fund

☒ No **(Skip to the Affordable Housing Ordinance section)**

2. Has an escrow agreement been executed? ☐ Yes ☐ No
(If no, petition is incomplete. Submit an executed escrow agreement.)

3. Is all trust fund monitoring up-to-date as of December 31, 2007? ☐ Yes ☐ No
(If no, petition is incomplete. Submit an updated trust fund monitoring report.)

DEVELOPMENT FEE ORDINANCES (N.J.A.C. 5:97-8.3)

1. Does the Fair Share Plan include a proposed or adopted development fee ordinance? **(Note: Pursuant to P.L. 2008 c.46, municipalities that do not submit a development fee ordinance will forfeit the ability to retain non-residential development fees)**

☒ Yes,

☐ Adopted **OR** ☒ Proposed

☐ No **Skip to the next category; Payments-in-Lieu**

2. If adopted, specify date of COAH/Court approval here: _____

- Have there been any amendments to the ordinance since COAH or the Court approved the ordinance?

☐ Yes, Ordinance Number. _____ Adopted on¹ _____

☒ No **(Skip to the next category; Payments-in-Lieu)**

- If yes, is the amended ordinance included with your petition?

☐ Yes

☐ No, **(Petition is incomplete. Submit ordinance with governing body resolution requesting COAH approval of amended ordinance)**

3. Does the ordinance follow the ordinance model **updated September 2008** and available at www.nj.gov/dca/affiliates/coah/resources/planresources.html? If yes, skip to question 5.

☒ Yes ☐ No

4. If the answer to 3. above is no, indicate that the necessary items below are addressed before submitting the Development Fee ordinance to COAH:

Information and Documentation

The ordinance imposes a residential development fee of ____% and a Non-residential fee of 2.5 %

☐ A description of the types of developments that will be subject to fees per N.J.A.C. 5:97-8.3(c) and (d);

☐ A description of the types of developments that are exempted per N.J.A.C. 5:97-8.3(e)

☐ A description of the amount and nature of the fees imposed per N.J.A.C. 5:97-8.3(c) and (d)

☐ A description of collection procedures per N.J.A.C. 5:97-8.3(f)

☐ A description of development fee appeals per N.J.A.C. 5:97-8.3(g)

☐ A provision authorizing COAH to direct trust funds in case of non-compliance per N.J.A.C. 5:97-8.3(h)

☐ If part of a court settlement, submit court ordered judgment of compliance, implementation ordinances, information regarding period of time encompassed by the judgment of compliance and a request for review by the court

5. Does the ordinance include an affordability assistance provision per N.J.A.C. 5:97-8.8 (**Note: must be at least 30 percent of all development fees plus interest**)?

☒ Yes (Specify actual or anticipated amount) \$ _____

☐ No **Submit an amended ordinance with provisions for affordability assistance along with a governing body resolution requesting COAH approval of the amended ordinance.)**

■ If yes, what kind of assistance is offered?

■ Has an affordability assistance program manual been submitted? ☐ Yes ☒ No

¹ Any amendment to a previously approved and adopted development fee ordinance must be submitted to COAH along with a resolution requesting COAH's review and approval of the amendment prior to the adoption of said amendment by the municipality.

**PAYMENTS-IN-LIEU OF CONSTRUCTING AFFORDABLE UNITS ON
SITE (N.J.A.C. 5:97-8.4)**

1. Does the Fair Share Plan include an inclusionary zoning ordinance that provides for payments-in-lieu as an option to the on-site construction of affordable housing?
☐ Yes ☒ No (**Skip to the next category; Barrier Free Escrow**)
2. Does the plan identify an alternate site and/or project for the payment-in-lieu funds? (**Optional**)
☐ Yes (**attach applicable checklist**)
☐ No (identify possible mechanisms on which payment in lieu will be expended in narrative section of plan.)
3. Does the ordinance include minimum criteria to be met before the payments-in-lieu becomes an available option for developers? (**Optional**)
☐ Yes (indicate ordinance section) _____
☐ No

BARRIER FREE ESCROW/OTHER FUNDS (N.J.A.C. 5:97-8.5/8.6)

1. Has the municipality collected or does it anticipate collecting fees to adapt affordable unit entrances to be accessible in accordance with the Barrier Free Subcode, N.J.A.C. 5:23-7?
☐ Yes ☒ No
2. Does the municipality anticipate collecting any other funds for affordable housing activities?
☐ Yes (specify funding source and amount) _____
☒ No

SPENDING PLANS (N.J.A.C. 5:97-8.10)

1. Does the petition include a Spending Plan? (**Note: Pursuant to P.L. 2008 c.46, municipalities that do not submit a Spending Plan will forfeit the ability to retain development fees.**)
☐ Yes ☒ No
2. Does the Spending Plan follow the Spending Plan model **updated October 2008** and available at www.nj.gov/dca/affiliates/coah/resources/planresources.html? If yes, skip to next section - Affordable Housing Ordinance.
☐ Yes ☐ No
3. If the answer to 1. above is no, indicate that the necessary items below are addressed before submitting the spending plan to COAH:

Information and Documentation

- ☐ A projection of revenues anticipated from imposing fees on development, based on actual proposed and approved developments and historical development activity;
- ☐ A projection of revenues anticipated from other sources (specify source(s) and amount(s));
- ☐ A description of the administrative mechanism that the municipality will use to collect and distribute revenues;
- ☐ A description of the anticipated use of all affordable housing trust funds pursuant to N.J.A.C. 5:97-8.7;
- ☐ A schedule for the expenditure of all affordable housing trust funds;
- ☐ A schedule for the creation or rehabilitation of housing units;
- ☐ If the municipality envisions being responsible for public sector or non-profit construction of housing, a detailed pro-forma statement of the anticipated costs and revenues associated with the development, consistent with standards required by HMFA or the DCA Division of Housing in its review of funding applications;
- ☐ If the municipality maintains an existing affordable housing trust fund, a plan to spend the remaining balance as of the date of its third round petition within four years of the date of petition;
- ☐ The manner through which the municipality will address any expected or unexpected shortfall if the anticipated revenues from development fees are not sufficient to implement the plan;
- ☐ A description of the anticipated use of excess affordable housing trust funds, in the event more funds than anticipated are collected, or projected funds exceed the amount necessary for satisfying the municipal affordable housing obligation; and
- ☐ If not part of the petition, a resolution of the governing body requesting COAH review and approval of spending plan or an amendment to an approved spending plan.

AFFORDABLE HOUSING ORDINANCE (N.J.A.C. 5:80-26.1 *et seq.*)

1. Does the Fair Share Plan include an Affordable Housing Ordinance?
☐ Yes ☒ No
2. Does the ordinance follow the ordinance model available at www.nj.gov/dca/affiliates/coah/resources/planresources.html? ☐ Yes ☐ No
3. If the answer to 1. or 2. above is no, indicate that the required items below are addressed before submitting to COAH. If the required items are addressed in ordinances other than an Affordable Housing Ordinance, please explain in a narrative section of the Fair Share Plan.

Required Information and Documentation

- ☒ Affordability controls
- ☒ Bedroom distribution
- ☒ Low/moderate-income split and bedroom distribution
- ☒ Accessible townhouse units
- ☒ Sale and rental pricing
- ☒ Municipal Housing Liaison
- ☒ Administrative Agent
- ☒ Reference to the Affirmative marketing plan or ordinance (N.J.A.C. 5:80-26.15)

AFFORDABLE HOUSING ADMINISTRATION (As Applicable)

Items that must be submitted with the petition:

- ☐ Governing body resolution designating a municipal housing liaison (COAH must approve)

Items that must be submitted prior to COAH's grant of Substantive Certification:

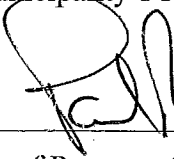
- ☐ Operating manual for rehabilitation program
- ☐ Operating manual for affordability assistance
- ☐ Operating manual for an Accessory Apartment program
- ☐ Operating manual for a Market-to-Affordable program
- ☐ COAH approved administrative agent if municipal wide

Items that must be submitted prior to any time prior to marketing completed units:

- ☐ COAH approved administrative agent(s) is project specific
- ☐ Operating manual for sale units
- ☐ Operating manual for rental units
- ☐ Affirmative marketing plan or ordinance (N.J.A.C. 5:80-26.15)

CERTIFICATION

I, Paul Ricci, have prepared this petition application for substantive certification on behalf of The Borough of Prospect Park. I certify that the information submitted in this petition is complete, true and accurate to the best of my knowledge. I understand that knowingly falsifying the information contained herein may result in the denial and/or revocation of the municipality's substantive certification.



Signature of Preparer (affix seal if applicable)

12/29/08

Date

Associate

Title

N.J.S.A. 2C:21-3, which applies to the certifications, declares it to be a disorderly person offense to knowingly make a false statement or give false information as part of a public record.

Narrative Section

Appendix 1

THIRD ROUND
HOUSING ELEMENT
AND FAIR SHARE PLAN

Adopted: _____, 2008

Borough of Prospect Park Planning Board
Passaic County, New Jersey

In consultation with

Phillips Preiss Shapiro Associates, Inc.
Planning and Real Estate Consultants
434 Sixth Avenue
New York, New York 10011

125 Halfmile Road, Suite 200
Red Bank, New Jersey 07701

December 2008

The original copy of this document was signed and sealed
in accordance with N.J.S.A. 45:14 A-1 et seq.

Paul N. Ricci
New Jersey Professional Planner License #5570

Acknowledgments

Borough Mayor and Council

Mohamed T. Khairullah, Mayor
Richard Esquiche, Council President
Hassan Fahmy
Amer Haobsh
Cristina Peralta
Esther " Tita" Perez
Adnan Zakaria
Denis Murphy, Esq., Borough Attorney

Planning Board

Jay Birch
James DeRitter
Marisol Goenaga
Munifa Greer
Sam Hayek
Dave Heerema
Mohamed T. Khairullah, Mayor
Christina Peralta, Councilwoman
Ray Roberts
Edda Ferretti, First Alternate
Heidy Amaral, Second Alternate

Planning Board Professionals 2008

Boswell Engineering
James LaBianca, Esq., Planning Board Attorney
Heide Mulcahey, Planning Board Secretary

Planning Consultant

Paul Ricci, P.P., AICP

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Attachments

Attachment A - Third Round Existing Growth Calculations

Attachment B – Draft Development Fee Ordinance

1. INTRODUCTION

This Third Round Housing Element and Fair Share Plan, which amends the Prospect Park Borough Master Plan, has been prepared in accordance with the New Jersey Fair Housing Act and the revised rules of the New Jersey Council on Affordable Housing (hereinafter "COAH") at NJAC 5:96 et seq. and NJAC 5:97 et seq. This document amends and supersedes the Borough's June 2000 Housing Plan Element.

To participate in the COAH process, Prospect Park Borough must prepare a Housing Element and Fair Share Plan to address COAH's *Substantive Rules* (NJAC 5:97 et seq.) for the period from January 1, 2004 through December 31, 2018. Consequently, the Borough of Prospect Park Planning Board, with the assistance of its planning consultants, Phillips Preiss Shapiro Associates, Inc., has prepared this Third Round Housing Element and Fair Share Plan. This Housing Element and Fair Share Plan must be endorsed by the Prospect Park Borough Mayor and Council prior to the submission of a municipal petition to the New Jersey Council on Affordable Housing (COAH) for substantive certification pursuant to NJAC 5:97-3.1 (b).

Prior to the concept of growth share, which was introduced as part of the original COAH Third Round Rules, a municipality's COAH obligation was determined by a complex formula that assigned new build and rehabilitation component requirements. This obligation covered the period from 1987 to 1999, or COAH's First and Second Rounds. At the beginning of COAH's new Third Round regulations, the Borough of Prospect Park had properly met its affordable housing obligation for the prior two rounds.

For its Third Round (1999 through 2018), COAH has adopted a new approach. Municipalities still must address any remaining obligation from the First and Second Rounds, as well as a rehabilitation component. However, the new build component is now determined through "growth share," which COAH indicates "is generated by Statewide residential and non-residential growth during the period from 1999 to 2018, and delivered from January 1, 2004 to December 31, 2018." For residential development, COAH requires that municipalities provide one affordable housing unit for every five market-rate housing units. In terms of non-residential development, COAH requires that one affordable housing unit be provided for every 16 new jobs that are created. Newly-created jobs are measured by new or expanded non-residential construction within the municipality, with multipliers for different land uses.

COAH's complete Third Round methodology includes a *rehabilitation share*, the remaining obligation from COAH's two *prior rounds* and the future *growth share*. In preparation for the Third Round, COAH recalculated the Borough's prior round obligation and indicated a new construction component. The Borough is responsible for addressing its Third Round obligation based on a projection of residential and non-residential growth between January 1, 2004 and December 31, 2018.

2. HOUSING ELEMENT/FAIR SHARE PLAN REQUIREMENTS

The MLUL requires that a “municipality’s housing element be designed to achieve the goal of access to affordable housing to meet present and prospective housing needs, with particular attention to low- and moderate-income housing”. Thus, a municipal Master Plan must include a Housing Element and submit its Housing Plan for substantive certification as a prerequisite for municipal protection from “builder’s remedy” lawsuits through the COAH process. The following items are to be included within a Housing Element as per the MLUL:

1. An inventory of the municipality’s housing stock by age, condition, purchase or rental value, occupancy characteristics, and type, including the number of units affordable to low- and moderate-income households and substandard housing capable of being rehabilitated.
2. A projection of the municipality’s housing stock, including the probable future construction of low- and moderate-income housing, for the next ten (10) years, taking into account, but not necessarily limited to, construction permits issued, approvals of applications for development, and probable residential development trends.
3. An analysis of the municipality’s demographic characteristics, including, but not necessarily limited to, household size, income level, and age.
4. An analysis of the existing and probable future employment characteristics of the municipality.
5. A determination of the municipality’s present and prospective fair share of low- and moderate-income housing and its capacity to accommodate its present and prospective housing needs, including its fair share of low- and moderate-income housing.
6. A consideration of the lands most appropriate for construction of low- and moderate-income housing and of the existing structures most appropriate for conversion to, or rehabilitation for, low- and moderate-income housing, including a consideration of lands of developers who have expressed a commitment to provide low- and moderate-income housing.

In addition, pursuant to COAH’s Third Round Substantive Rules (5:97-2.2), a Housing Element must address the entire Third Round cumulative (1987-2018) affordable housing obligation consisting of the rehabilitation share, any prior round obligation and the projected Third Round Growth Share.

The following items are to be submitted to COAH with the Housing Element:

- The household projection for the municipality as provided in NJAC 5:97 Appendix F;
- The employment projection for the municipality as provided in NJAC 5:97 Appendix F;
- The municipality’s prior round obligation (from NJAC 5:97 Chapter Appendix C);
- The municipality’s rehabilitation share (from NJAC 5:97 Chapter Appendix B);

- The projected growth share in accordance with the procedures in NJAC 5:97-2.4;
- Descriptions of any credits intended to address any portion of the fair share obligation, including all information required by NJAC 5:97-4;
- Descriptions of any mechanisms intended to address the prior round obligation, the rehabilitation share and the third round obligation;
- An implementation schedule with a detailed timetable that demonstrates a "realistic opportunity" for the construction of affordable housing, as defined by NJAC 5:97-1.4;
- Draft and/or adopted ordinances necessary for the implementation of the mechanisms designed to satisfy the fair share obligation;
- A demonstration that existing zoning or planned changes in zoning provide adequate capacity to accommodate any proposed inclusionary developments, pursuant to NJAC 5:97-6.4;
- A demonstration of existing or planned water and sewer capacity sufficient to accommodate all proposed mechanisms;
- A spending plan, pursuant to NJAC 5:97-8.10;
- A map of all sites designated by the municipality for the production of low and moderate income housing;
- A copy of most recently adopted zoning ordinance;
- A copy of the most recently adopted Master Plan and, where required, the immediately preceding adopted Master Plan;
- A copy of most up to date municipal tax maps; and
- Any other documentation pertaining to the municipal Housing Element required by NJAC 5:97 or requested by COAH.

3. HOUSING STOCK AND DEMOGRAPHIC ANALYSIS

A. *Housing Stock Inventory*

According to the 2000 United States Census, there were 1,889 housing units in the Borough of Prospect Park, of which 67 or 4% were vacant. Of the 1,822 occupied units, 46% were owner occupied and 50% were renter occupied. See Table 1, Housing Tenure by Number of Units in Structure, 2000 for a detailed explanation of the housing units in 2000.

Table 1. Housing Tenure by Number of Units in Structure, 2000

<i>Type</i>	<i>Owner Occupied</i>	<i>Rental</i>	<i>Vacant</i>	<i>Total</i>
1, detached	372	64	0	436
1, attached	35	46	0	81
2	451	689	57	1,197
3 or 4	14	122	10	146
5 to 9	0	29	0	29
10 to 19	0	0	0	0
20 to 49	0	0	0	0
50 or more	0	0	0	0
Mobile home	0	0	0	0
Boat, RV, van, etc.	0	0	0	0
Total	872	950	67	1,889

Source: 2000 United States Census

Table 2, Housing Units by Age of Structure, 2000, indicates the age of the Borough's housing stock. Housing growth in Prospect Park has been consistently decreasing over the past several decades, with only 10% of the Borough's housing stock having been built between 1970 and 2000. As a whole, the Borough has an older housing stock; over one-third (37%) of the existing owner occupied dwellings in the Borough were completed in 1939 or earlier, and over half (58%) were constructed in 1949 or earlier.

Table 2. Housing Units by Age of Structure, 2000

Year Built	Total Units	Percent of Total Units	Owner-Occupied	Percent of Total Units	Renter-Occupied	Percent of Total Units	Vacant
1990 to 2000	23	1%	7	0%	16	0.8%	N/A
1980 to 1989	51	3%	22	1%	29	1.5%	N/A
1970 to 1979	108	6%	22	1%	76	4.0%	N/A
1960 to 1969	280	15%	78	4%	202	10.7%	N/A
1950 to 1959	329	17%	136	7%	158	8.4%	N/A
1940 to 1949	394	21%	170	9%	202	10.7%	N/A
1939 or earlier	704	37%	437	23%	267	14.1%	N/A

Note: Percentage totals may add up to greater than 100% due to rounding

Source: 2000 United States Census

As seen in Table 3, Housing by Units in Structure, 2000, the Borough of Prospect Park is composed predominantly of two-family residential housing. Approximately 73% of the existing housing stock consists of multifamily units, of which 63% are two-family units and 10% are three-family units or larger. Single-family units comprise 27% of the overall dwelling units within the Prospect Park; of Borough's single-family homes, 84% are detached units and 16% are attached units.

Table 3. Housing by Units in Structure, 2000

Type	Units in Structure	Percentage of Total
1, detached	436	23%
1, attached	81	4%
2	1,197	63%
3 or 4	146	8%
5 to 9	29	2%
10 to 19	0	0%
20 to 49	0	0%
50 or more	0	0%
Mobile home	0	0%
Boat, RV, van, etc.	0	0%
Total	1,889	

Note: Percentage totals may add up to greater than 100% due to rounding

Source: 2000 United States Census

Table 4, Housing Units by Number of Rooms, 2000, shows that approximately one-third (33%) of the Borough's housing stock contains five rooms and that 35% of housing within Prospect Park has more than five rooms. The data from this table, paired with the data from Table 2, Housing Units by Age of Structure, 2000 above, appears to indicate that much of Prospect Park's housing stock was built before construction trends favored very large houses.

Table 4. Housing Units by Number of Rooms, 2000

Rooms	Number of Units	Percent
1 room	0	0%
2 rooms	39	2.1%
3 rooms	144	8%
4 rooms	429	23%
5 rooms	631	33%
6 rooms	315	17%
7 rooms	148	8%
8 rooms	76	4%
9 or more rooms	107	6%
Total	1,889	

Note: Percentage totals may add up to greater than 100% due to rounding

Source: 2000 United States Census

Table 5, Housing Value, Owner Occupied Units, 1990 and Table 6, Housing Value, Owner Occupied Units, 2000 provide a detailed description of housing values within the Borough of Prospect Park. In 1990, 95% of the occupied housing stock was valued at less than \$200,000 and only 5% was valued between \$200,000 and \$300,000. There were no housing units valued over \$300,000. The 1990 median home value of owner occupied housing units in the Borough was \$149,900, which measured below both Passaic County (median home value \$185,000) and the State of New Jersey (median home value \$161,200).

Housing data from the 2000 Census provides even greater detail concerning Borough home values. The percentage of owner occupied housing units valued over \$200,000 increased slightly between 1990 and 2000 from 5% to 6%. As in 1990, there were no homes valued above \$300,000 in 2000. The median home value of owner occupied units within the Borough decreased from \$149,900 in 1990 to \$137,600 in 2000, which remained lower than that of Passaic County (median home value \$190,600) and State of New Jersey (median home value \$170,800); while both the County and the State experienced an increase in median home value over the decade, Prospect Park recorded a decrease in median home value.

Table 5. Housing Values, Owner-Occupied Units, 1990

Home Value	Number	Percent
Less than \$200,000	302	95%
\$200,000 to \$300,000	17	5%
\$300,000 to \$400,000	0	0%
\$400,000 to \$500,000	0	0%
\$500,000 or more	0	0%
Total	319	

1990 Median Home Value Owner Occupied Housing Units
\$ 149,900

Note: Percentage totals may add up to greater than 100% due to rounding

Source: 1990 US Census

Table 6. Housing Values, Owner-Occupied Units, 2000

<i>Home Value</i>	<i>Number</i>	<i>Percent</i>
Less than \$200,000	377	94%
\$200,000 to \$300,000	25	6%
\$300,000 to \$400,000	0	0%
\$400,000 to \$500,000	0	0%
\$500,000 to \$750,000	0	0%
\$750,000 to \$1,000,000	0	0%
\$1,000,000 or more	0	0%
Total	402	

2000 Median Home Value Owner Occupied Housing Units

\$ 137,600

Note: Percentage totals may add up to greater than 100% due to rounding

Source: 2000 US Census

In 2000, Prospect Park's average monthly contract rent (not including utilities) exceeded that of Passaic County (\$700/month v. \$628/month). In 2000, only 6% of Prospect Park renters paid less than \$500 per month in rent and 90% of renters paid between \$500 and \$1,000 per month in rent. Conversely, 22% of renters in the County paid less than \$500 per month in rent and only 69% paid between \$500 and \$1,000 per month in rent. For detailed figures, see Table 7, Comparison of Borough of Prospect Park/Passaic County Monthly Rental Cost, 2000.

**Table 7. Comparison of Borough of Prospect Park/Passaic County
Monthly Rental Cost, 2000**

<i>Contract Rent</i>	<i>Prospect Park</i>	<i>Percent</i>	<i>Passaic County</i>	<i>Percent</i>
Less than \$500	60	6%	15,994	22%
\$500 to \$1000	851	90%	50,097	69%
\$1,000 to \$1,500	31	3%	3,867	5%
\$1,500 to \$2,000	-	0%	627	1%
\$2,000 or more	-	0%	137	0%
No Cash Rent	8	1%	1,814	3%
Total	950		72,536	

2000 Average Rent (Borough of Prospect Park)

\$ 700

2000 Average Rent (Passaic County)

\$ 628

Note: Percentage totals may add up to greater than 100% due to rounding

Source: 2000 US Census

Evidence of quality of housing within the Borough concerns the fact that all housing units have complete plumbing and kitchen facilities. The high level of habitable dwelling units points to a well-maintained housing stock. It seems fair to assume that there may not be any units in the Borough that are in need of rehabilitation.

Concurrently, while the Census Bureau has no actual definition for overcrowding (i.e. occupants per room), it is generally accepted that housing units with more than one occupant per room constitute an overcrowded dwelling unit. It appears that 10% of owner and renter occupied housing units in Prospect Park contain more than one occupant per room.

B. General Population Characteristics

According to Census records, the population of Prospect Park has increased by 623 persons since 1970. The Borough experienced a small loss of population during the 1960's (-0.5%), 1970's (-0.7%), and the 1980's (-1.7%), yet recorded a population increase of approximately 15% between 1990 and 2000. Passaic County similarly experienced population loss during the 1970's (-2.9%), but recorded population growth during all other decades, most notably a 13.3% increase during the 1960's. See Table 8, Comparison of Borough of Prospect Park/Passaic County Population Growth, 1970-2000.

Table 8. Comparison of Borough of Prospect Park/Passaic County Population Growth, 1970-2000

	1970	Percent Change (1960-1970)	1980	Percent Change (1970-1980)	1990	Percent Change (1980-1990)	2000	Percent Change (1990-2000)
Prospect Park	5,176	-0.5%	5,142	-0.7%	5,053	-1.7%	5,799	14.8%
Passaic County	460,782	13.3%	447,585	-2.9%	453,060	1.2%	489,049	7.9%

Note: Percentage totals may add up to greater than 100% due to rounding

Source: 1970, 1980, 1990, 2000 US Census

Prospect Park's age distribution, as seen in Table 9, Prospect Park Age Distribution, 1990-2000, is consistent with many suburban locations throughout New Jersey in which the residential population is dominated by families. In fact, according to the year 2000 census, the combined population of residents under age 24 and from age 35 to 54 comprised 68% of total Borough population. In general, the percent change in age distribution from 1990 to 2000 indicates that the Borough's population is becoming more youthful. During the decade, Prospect Park residents aged 65 to 74 decreased by 20%, while the number of residents aged 5 to 14 increased by 42%. While the Borough has seen an increase in younger residents, it is important to note that between 1990 and 2000 there was a 63% increase in residents aged 45 to 54. This may indicate the need to plan for and accommodate an aging population within the next several decades

Table 9. Prospect Park Age Distribution, 1990-2000

Age Group	1990	Percent	2000	Percent	Percent Change (1990-2000)
Under 5	356	7%	422	7%	19%
5 – 14	709	14%	1,010	17%	42%
15 – 24	770	15%	914	16%	19%
25 – 34	1,083	21%	948	16%	-12%
35 – 44	697	14%	845	15%	21%
45 – 54	444	9%	725	13%	63%
55 – 64	379	8%	397	7%	5%
65 – 74	358	7%	285	5%	-20%
75+	257	5%	233	4%	-9%
Totals	5,053		5,779		
Median Age	N/A		31		

Note: Percentage totals may add up to greater than 100% due to rounding

Source: 1990 and 2000 US Census

C. Household Characteristics

As defined by the Census Bureau, a household includes all persons who occupy a single housing unit, regardless of blood relation. Thus, a household may also include a group of unrelated individuals sharing group quarters. A family is identified as a group of persons including a householder and one or more persons related by blood, marriage or adoption, all living in the same household. In 2000 there were 1,822 households in the Borough, with an average of 3.17 persons per household and 1,432 families with an average of 3.56 persons per family. Approximately 92% of the Borough's total population resided within families. Of these family households, approximately 53% were comprised of married couples with or without children.

D. Income Characteristics

According to the 2000 Census, the Borough of Prospect Park mirrored Passaic County in a variety of income categories. However, median household income in Prospect Park (\$46,434) measured slightly lower than that of Passaic County (\$49,210). Similarly, median family income in Prospect Park was less than that of Passaic County (\$49,405 in Prospect Park v. \$56,054 in Passaic County).

There is a slight difference in the percentage of households with incomes under \$50,000 in Prospect Park and Passaic County (53% in Prospect Park v. 51% in Passaic County). Just under half of all households in Prospect Park (47%) received \$50,000 or more in annual income, with 24% earning between \$50,000 and \$75,000. Similarly, in Passaic County, 49% of all households received \$50,000 or more in annual income and 19% earned between \$50,000 and \$75,000. Only 8% of households in Prospect Park received \$100,000 or more in annual income, as opposed to 17% of households in Passaic County. Table 10, illustrates additional income categories.

Table 10. Household Income – Borough of Prospect Park and Passaic County, 2000

	<i>Prospect Park Households</i>	<i>Percent</i>	<i>Passaic County Households</i>	<i>Percent</i>
Less than \$15,000	209	12%	22,301	14%
\$15,000 to \$20,000	153	8%	9,122	6%
\$20,000 to \$25,000	117	6%	8,940	5%
\$25,000 to \$30,000	83	5%	9,219	6%
\$30,000 to \$35,000	90	5%	8,913	5%
\$35,000 to \$40,000	128	7%	8,752	5%
\$40,000 to \$45,000	107	6%	8,393	5%
\$45,000 to \$50,000	73	4%	7,394	5%
\$50,000 to \$75,000	443	24%	31,630	19%
\$75,000 to \$100,000	266	15%	20,815	13%
\$100,000 to \$150,000	90	5%	18,968	12%
\$150,000 to \$200,000	35	2%	5,457	3%
\$200,000 or more	19	1%	4,013	2%
Totals	1,813		163,917	

Note: Percentage totals may add up to greater than 100% due to rounding
Source: 2000 US Census

The poverty threshold, as defined by the 2000 U.S. Census, is \$8,959 for a one person household under age 65 and \$17,463 for a household that includes a family of four. Census data does not provide a breakdown of household income by household size. However, it does provide information concerning individuals under the poverty threshold. According to the Census, of the total population in the Borough, approximately 10% (575 persons) live below the poverty level. This percentage is slightly lower than Passaic County, in which approximately 12% of residents fall below the Census poverty level. Of these 575 persons, the Census indicates that 114 families obtained incomes below the Census poverty threshold in the Borough.

E. Employment Characteristics

Table 11, Distribution of Employment by Industry, Employed Prospect Park Residents, 2000 indicates the distribution of employment by industry for employed Borough of Prospect Park residents. Industries that captured the largest portion of the employed population in Prospect Park include education, health, and social services (20%), manufacturing (20%), retail trade (14%), and both transportation and warehousing and utilities (7%), and professional, scientific, management, administrative, and waste management services (7%).

Table 11. Distribution of Employment by Industry, Employed Prospect Park Residents, 2000

<i>Industry</i>	<i>Number</i>	<i>Percent</i>
Agriculture, Forestry, Fishing and Hunting, and Mining	7	0.3%
Construction	124	5%
Manufacturing	501	20%
Wholesale Trade	84	3%
Retail Trade	366	14%
Transportation and Warehousing, and Utilities	166	7%
Information	83	3%
Finance, Insurance, Real Estate, and Renting and Leasing	163	6%
Professional, Scientific, Management, Administrative, and Waste Management Services	168	7%
Education, Health and Social Services	511	20%
Arts, Entertainment, Recreation, Accommodation and Food Services	118	5%
Public Administration	122	5%
Other	133	5%
Total	2,546	

Note: Percentage totals may add up to greater than 100% due to rounding

Source: 2000 US Census

Table 12, Employment by Occupation, Prospect Park Residents, 2000 more specifically identifies the occupations of employed persons. The numbers indicate a majority number of Prospect Park residents are employed in sales and office occupations (32%), management, professional, and related occupations (22%), production, transportation, and material moving occupations (19%), and service occupations (17%). In 2000, the remaining 9% of employed residents were employed in construction, extraction, and maintenance operations.

Table 12. Employment by Occupation, Prospect Park Residents, 2000

<i>Sector Jobs</i>	<i>Number</i>	<i>Percent</i>
Management, Professional, and Related Occupations	564	22%
Service Occupations	445	17%
Sales and Office Occupations	818	32%
Farming, Fishing, and Forestry Occupations	0	0%
Construction, Extraction, and Maintenance Occupations	227	9%
Production, Transportation, and Material Moving Occupations	492	19%
Total	2,546	

Note: Percentage totals may add up to greater than 100% due to rounding

Source: 2000 US Census

F. Historic Residential Development

A review of historic municipal construction records provides a baseline analysis of residential growth within Prospect Park Borough. The New Jersey Division of Codes and Standards, which collects monthly construction records, offers information regarding residential certificates of occupancy (CO) and demolition permits from 1998 through May 2008. A review of trends in residential construction reveals that no new housing units were built in the Borough between 1998 and May 2008. See Table 13, Historic Trend of Residential Certificates of Occupancy and Demolition Permits. The following information was compiled directly from the State's Division of Codes and Standards:

Table 13. Historic Trend of Residential Certificates of Occupancy and Demolition Permits



Source: The New Jersey Division of Codes and Standards, NJ Department of Community Affairs

In the short-term, Prospect Park anticipates little to no new residential development, which is consistent with past historic trends. However, approximately 1/3 of the Borough's land area is comprised by the Tilcon quarry property, which is anticipated to close in upcoming years. The Borough is in the process of preparing a master plan reexamination report and land use plan amendment that will recommend the future land use for the Tilcon Quarry property. At this point in time it is premature to project development associated with the Tilcon Quarry property. This property is discussed in greater detail on Page 16 of this Plan.

4. FAIR SHARE PLAN

This section presents the plan to address the Borough's fair share obligation to provide realistic opportunities for the development of affordable housing. The Borough's total fair share obligation will be a cumulative obligation for the period 1987 to 2018 that is comprised of the Borough rehabilitation share, the total remaining obligation from the prior two rounds from 1987 to 1999, and the growth share from 1999 to 2018.

As indicated in Appendix C of N.J.A.C. 5:97, the Borough rehabilitation share is sixty (60) dwelling units, and the Borough pre-credited need obligation from prior rounds for the years 1987 to 1999 is zero (0) units.

A. Round III Projected Growth Share

Round 3 housing obligations are based upon housing growth and non-residential employment growth. The total projected growth share based on amendments to N.J.A.C. 5:97 indicates the Borough's projected growth share requirements as follows:

- COAH projected residential growth share (Appendix F) = $55/5 = 11$ units
- COAH projected Employment growth [(jobs) (Appendix F)] $135 \text{ jobs}/16 = 8$ units
- Total Round 3 COAH projected new growth obligation = 19 units

B. Rounds 1 & 2 – Prior Round Obligation

As indicated in NJAC 5:97 Chapter Appendix C; the Borough has a zero (0) unit prior round obligation.

C. Third Round Obligation

Prospect Park Borough's Third Round affordable housing obligation consists of three parts: a rehabilitation share, fulfillment of any prior round affordable housing obligation, and a Third Round Growth Share. The Borough rehabilitation share in the Third Round as computed by COAH is 60 units. As discussed, Prospect Park's projected Third Round growth share is 19 units. A breakdown of Prospect Park's Third Round obligation is set forth below.

1. Rehabilitation Share – 60
2. Prior Round Obligation – 0
3. Third Round Growth Share – 19

D. Satisfaction of the Third Round Rehabilitation Obligation

The rehabilitation obligation is defined as the number of deficient housing units occupied by low- and moderate-income households within a municipality (NJAC 5:97-1.4). COAH has calculated Prospect Park's rehabilitation obligation to be 60 units. The Borough is investigating partnering with the Northwest New Jersey Community Action Program, Inc. (NORWESCAP) a nonprofit corporation or another agency for the purposes of administering the rehabilitation of units occupied by low- and moderate-income households. The program is anticipated to be funded through monies obtained through the Small Cities Community Development Block Grant program, the Borough's newly created development fee ordinance and other funding sources to be determined.

Prospect Park's rehabilitation program would be implemented in a manner which would adhere to the regulations in NJAC 5:97-6.2. Specifically, all rehabilitated units would comply with the definition of a deficient unit in NJAC 5:97-1.4, which states, "a housing unit with health and safety code violations that require the repair or replacement of a major system." Major systems include weatherization, roofing, plumbing, heating, electricity, sanitary plumbing, lead paint abatement and/or load-bearing structural systems. All rehabilitated units would meet the applicable construction code. Additionally, all rehabilitated units would be occupied by low- or moderate-income households and upon completion of the rehabilitation, ten (10) year affordability controls would be placed on the property in the form of a lien or deed restriction.

All rehabilitations would have an average hard cost of \$10,000. In addition to funds provided by state, county and federal agencies, the Borough of Prospect Park would provide any funding from the affordable housing trust fund as necessary to supplement the cost to satisfy the rehabilitation obligation. The Borough seeks a waiver from bonding in case of a funding short fall at this time.

E. Third Round Affordable Housing Overview

Prospect Park Borough's projected growth share obligation is 19 units. In addition to satisfying the 19 unit third round affordable housing obligation, in accordance with COAH rules the Borough must also provide a minimum number of total family units, a minimum number of rental and family rental units and a minimum number of very-low-income units. "Very-low-income housing" means housing affordable according to Federal Department of Housing and Urban Development or other recognized standards for homeownership and rental costs and occupied or reserved for occupancy by households with a gross household income equal to 30 percent or less of the median gross household income for households of the same size within the housing region in which the housing is located.

There are also limits on the number of age-restricted affordable units and the number of bonus credits available. These requirements are depicted as follows:

- Minimum Family Obligation = 10 units
 $0.50 \text{ (third round obligation)} = 0.50 \text{ (19)} = 10 \text{ units}$

- Minimum Rental Obligation = 5 units
 $0.25 \text{ (third round obligation)} = 0.25 (19) = 5$, rounded up
- Minimum Family Rental Obligation = 3 units
 $0.50 \text{ (minimum rental obligation)} = 0.50 (5) = 3$, rounded up
- Maximum Age-restricted Units = 4 units
 $0.25 \text{ (third round obligation)} = 0.25 (19) = 4$, rounded down
- Maximum Bonuses = 4 units
 $0.25 \text{ (third round obligation)} = 0.25 (19) = 4$, rounded down
- Minimum Very Low Income Units = 3
 $0.13 \text{ (third round obligation)} = 0.13 (19) = 3$, rounded up.

The Borough plans to address its 19 unit growth share obligation by way of the following:

1. Credits for Group Homes

The Borough will take a minimum of six (6) units of credit for a six-bedroom group home located at 17 Fairview Avenue. This facility provides permanent housing through contract with the State Division of Developmental Disabilities. The Borough is also investigating a second group home located at Prescott Avenue, which may generate an additional two (2) credits.

2. Fair Share Ordinance & Development Fee Ordinance

Fair Share Ordinance

The Borough will adopt a fair share ordinance to ensure that any new development that occurs within the Borough will address its fair share obligation. The fair share ordinance will apply to all residential districts and residential development throughout the Borough. This ordinance will require a minimum set aside of 20 percent for sales units and rental units. A copy of a draft ordinance will be provided once a model ordinance is created by COAH. Any affordable units created in accordance with the fair share ordinance will not be counted towards the maximum density permitted within the zone. The fair share ordinance will also permit this housing to be developed through two-family or multi-family units.

Development Fee Ordinance

Prospect Park will adopt a development fee ordinance to “establish standards for the collection, maintenance and expenditure of development fees for low- and moderate-housing pursuant to the rules and regulations of the Council on Affordable Housing (COAH).” The development fee ordinance would apply to residential and non-residential development in all zones.

Pursuant to NJAC 5:97-8.3, Prospect Park will impose a residential development fee of 1.5% of equalized assed value and a nonresidential development fee of 2.5% of equalized assessed value.

3. Supportive and Special Needs Housing

COAH's regulations at N.J.A.C. 5:97-6.10 indicate that supportive and special needs housing includes, but is not limited to residential health care facilities as regulated by the New Jersey Department of Health and Senior Services or Department of Community Affairs, group homes for the developmentally disabled and mentally ill as licensed and/or regulated by the New Jersey Department of Human Services, permanent supportive housing and supportive shared living housing. Prospect Park recognizes there is a need for such facilities throughout the state and in the Passaic County area. At a site to be determined later, based upon the Borough's incurred growth share obligation to date, the Borough may create a public-public partnership with an agency such as the Arc of Bergen/Passaic counties. Funds to construct the group home(s) will be collected through the development fee ordinance in addition to other county, state and federal funding units. Prospect Park will enter into agreements with the providers of group homes to ensure their development over the ten (10) year affordable housing compliance period.

It is noted that this type of housing is permitted by State law in all residential zoning districts of a municipality, and thus it is possible more such facilities will be developed in the Borough on other sites.

4. Municipal Sponsored 100% Affordable Development

At a site to be determined at a later date, the Borough will investigate the creation of a municipal sponsored 100% affordable housing development to address any remaining growth share obligation or other needed requirements, i.e., number of rental units, family housing units, etc.

F. Third Round Growth Share Plan

Table 15, Third Round Growth Share Plan, shows the components of Prospect Park Borough's proposed Third Round Growth Share Plan.

Based upon certificates of occupancy issued in Prospect Park since 2004, as reported within the New Jersey Construction Reporter, the Borough has incurred less than a one (1) unit growth share obligation (See Attachment A) associated with the construction of 7,500 square feet of storage space to date (through July).

To satisfy the 19-unit projected Round III affordable housing obligation, the Borough proposes four (4) compliance mechanisms as described above. Compliance mechanism #1 is anticipated to capture the Borough's growth share obligation to date in addition to satisfying the Borough's growth share obligation to at least 2013. Compliance mechanism # 2 will require any major residential de-

velopment to create affordable housing on-site. Development fees would collect monies associated with residential projects not generating the need for one (1) affordable unit, fractions of an affordable unit and nonresidential development. It is anticipated that these monies would be used to either fund housing rehabilitation or compliance mechanisms #3 and 4 or both. Mechanisms #3 and #4 are still in the conceptual stage and the Borough intends on “phasing” them in over the 10-year COAH compliance period (2009 to 2018).

Table 14. Third Round Growth Share Plan

<u>Development</u>	<u>Type</u>	<u>Affordable Units</u>
1. Credits for a Group Home	Group Home – 17 Fairview Avenue	6-units
2. Growth Share Ordinance		TBD
3. Supportive and Special Needs Housing		TBD
4. Municipal Sponsored 100% Affordable Development		TBD
Total		6
Total Required (2004 to 2018 Growth Projection)		19

G. Tilcon Quarry Tract

The Borough is in the process of preparing a Master Plan Reexamination Report that will address the future land use vision for the 78 acre Tilcon Quarry Property located adjacent to northern most point of Planten Avenue. A New York based developer has shown interest to date to purchase the property from Tilcon and redevelop the site. The Borough is evaluating a combination of residential and mixed-use options for the tract. The quarry, which has mined blue stone for years, anticipates closure within the next few years. At this time, the Borough is unable to project the timing of when residential or commercial development may receive a certificate of occupancy at this tract. The Borough will continue to provide COAH with updated information in accordance with COAH’s monitoring requirements.

This unique site offers an opportunity to redevelop a portion of the Borough while providing affordable housing. This Plan recommends providing affordable housing on-site, which satisfies the total affordable housing requirement generated by any development in accordance with COAH’s rules.

H. Very Low/Low/Moderate-Income Split

As per COAH regulations, at least half of all units will be affordable to low-income households and 13 percent will be affordable to very-low-income households. The group home housing six individuals identified at 17 Fairview Avenue satisfies the Borough’s three (3) unit very low income requirement.

I. Affirmative Marketing

Prospect Park will affirmatively market the units as indicated within the Borough Affirmative Marketing ordinance drafted in accordance with COAH regulations. The Borough will use the services of an COAH approved agency for the purposes of affirmative marketing.

J. Controls on Affordability

The Borough will place 30-year affordability control deed restrictions on the units in accordance with NJAC 5:97 et seq. and the UHAC per NJAC 5:80-26.

K. Bedroom Distribution

Prospect Park Borough will apply the proper bedroom distribution as required within 5:80-26 of the UHAC, such that no more than 20% of the units within the proposed developments shall have one bedroom, no less than 30% of the units shall have two bedrooms, and no less than 20% of the units shall have three bedrooms.

L. Funding

Prospect Park Borough will utilize anticipated monies from the Small Cities Community Development Block Grant Program (CDBG) and future revenues from the Borough's affordable housing trust fund to subsidize the production of affordable housing units in accordance with compliance mechanisms #3 and #4 as well as the rehabilitation program. The Borough may also consider a variety of other Federal, State and County funding mechanisms to offset the costs of constructing and rehabilitating the affordable housing units. The Borough seeks a waiver from adopting a resolution of intent to bond in case of a funding shortfall until the extent of outside funding and Borough costs can more accurately be projected.

M. Construction Schedule

Prospect Park Borough will develop a construction schedule for each of the proposed development projects. The construction schedule for compliance mechanisms #3 and #4 will include a pre- and post-construction timeline and will be in accordance with COAH's Third Round regulations. As COAH permits municipalities to phase in their affordable housing programs over a 10-year period, the Borough will provide more detailed information as part of the monitoring process set forth under NJAC 5:96-11.

N. Affordable Housing and Affirmative Marketing Plan

The Borough use the services of an outside vendor or the county to create an Affirmative Marketing Plan to insure a "regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of sex, age or number of children, to housing units which are being marketed by a developer/sponsor, municipality and/or designated administrative agency of affordable housing" is implemented.

O. *Progress and Monitoring Periods*

Prospect Park Borough is required to complete progress reports in order to compare the Third Round predicted growth share projection with the actual growth of the Borough. COAH requires submission of a monitoring report on an annual basis. If the actual growth share obligation within the Borough exceeds the Borough's growth share projection, the Borough will amend its Housing Element and Fair Share Plan accordingly to provide additional affordable housing.

Plan Summary

The Borough of Prospect Park has addressed its prior round affordable obligation. The Borough's anticipated Third Round growth share obligation is 19 units. The Borough has accepted COAH's projection of housing and employment growth and has devised a plan to address its Round III affordable housing obligation. The Borough will provide all necessary information required by COAH to receive substantive certification.

**ATTACHMENT A – THIRD ROUND EXISTING GROWTH CALCULA-
TIONS**

COAH Third Round Calculations															
Borough of Prospect Park															
Actual growth															
	Certificates of Occupancy														
	Residential (units)	Non-resid. FA (sq ft) - office "B"	Non-resid. FA (sq ft) - retail "M"	Non-resid. FA (sq ft) - A-1 "A1"	Non-resid. FA (sq ft) - A-2 "A2"	Non-resid. FA (sq ft) - A-3 "A3"	Non-resid. FA (sq ft) - A-4 "A4"	Non-resid. FA (sq ft) - A-5 "A5"	Non-resid. FA (sq ft) - multifamily/dorm "R1"	Non-resid. FA (sq ft) - hotel "R1"	Non-resid. FA (sq ft) - industrial "I"	Non-resid. FA (sq ft) - hazardous "H"	Non-resid. FA (sq ft) - institutional "I"	Non-resid. FA (sq ft) - storage "S"	Non-resid. FA (sq ft) - education "E"
1988	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
1989	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
2000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
2001	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
2002	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
2003	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
2004	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
2005	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
2006	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
2007	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
2008 (thru July)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total	-	-	-	-	-	-	-	-	-	-	-	-	-	7,500	-
Total-04-03	-	-	-	-	-	-	-	-	-	-	-	-	-	7,500	-
TOTALS	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Actual demolitions	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Residential (units)	Non-resid. FA (sq ft) - office "B"	Non-resid. FA (sq ft) - retail "M"	Non-resid. FA (sq ft) - A-1 "A1"	Non-resid. FA (sq ft) - A-2 "A2"	Non-resid. FA (sq ft) - A-3 "A3"	Non-resid. FA (sq ft) - A-4 "A4"	Non-resid. FA (sq ft) - A-5 "A5"	Non-resid. FA (sq ft) - multifamily/dorm "R1"	Non-resid. FA (sq ft) - hotel "R1"	Non-resid. FA (sq ft) - industrial "I"	Non-resid. FA (sq ft) - hazardous "H"	Non-resid. FA (sq ft) - institutional "I"	Non-resid. FA (sq ft) - storage "S"	Non-resid. FA (sq ft) - education "E"
2004	-	2	-	-	-	-	-	-	-	-	-	-	-	-	-
2005	1	-	-	-	-	-	-	-	-	-	-	-	-	1	-
2006	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
2007	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
2008 (thru July)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total	1	2	-	-	-	-	-	-	-	-	-	-	-	1	-

ATTACHMENT B – DRAFT DEVELOPMENT FEE ORDINANCE

ORDINANCE NO. 2008-_____

**AN ORDINANCE TO ESTABLISH MANDATORY AFFORDABLE HOUSING
DEVELOPMENT FEES AND AN AFFORDABLE HOUSING TRUST FUND.**

WHEREAS, the New Jersey Supreme Court in Holmdel Builder's Ass'n v. Holmdel Township, 121 NJ 550 (1990) determined that mandatory affordable housing development fees are authorized by the Fair Housing Act of 1985 (N.J.S.A. 52:27D-301 et seq. subject to the Council on Affordable Housing's (COAH) adoption of rules; and

WHEREAS, COAH has adopted rules that permit a municipality to impose, collect, and spend affordable housing development fees through participation in COAH's substantive certification process; and

WHEREAS, the Borough of Prospect Park is a participant in COAH's substantive certification process and COAH has granted substantive certification to the Borough of Prospect Park housing element and fair share plan; and

WHEREAS, the Borough of Prospect Park desires to establish an Affordable Housing Trust Fund for COAH Round III implementation and to collect affordable housing development fees dedicated to funding affordable housing activities pursuant to COAH's rules and regulations; and

WHEREAS, the creation of Ordinance No. _____ is consistent with and designed to effectuate the revised third round housing plan element of the Master Plan of the Borough of Prospect Park inasmuch as the COAH regulations as they pertain to this Ordinance; and

NOW THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Mayor and Council of the Borough of Prospect Park, County of Passaic and State of New Jersey that Chapter 90, Article XII be and is hereby created as follows:

SECTION 1. Chapter 90, Article XII, Development Fees, is as follows:

Purpose.

In Holmdel Builder's Association V. Holmdel Township, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985 (the Act), N.J.S.A. 52:27d-301 et seq., and the State Constitution, subject to the Council on Affordable Housing's (COAH's) adoption of rules.

Pursuant to P.L.2008, c.46 section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7), COAH is authorized to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal affordable housing trust funds and corresponding spending plans. Municipalities that are under the jurisdiction of the Council or court of competent jurisdiction and have a COAH-approved spending plan may retain fees collected from non-residential development.

This ordinance establishes standards for the collection, maintenance, and expenditure of development fees pursuant to COAH's regulations and in accordance P.L.2008, c.46, Sections 8 and 32-38. Fees collected pursuant to this ordinance shall be used for the sole purpose of providing low- and moderate-income housing. This ordinance shall be interpreted within the framework of COAH's rules on development fees, codified at N.J.A.C. 5:97-8.

§90-52.1 Definitions.

As used in this ordinance, the following words and phrases shall have the following meanings:□

AFFORDABLE HOUSING DEVELOPMENT: means a development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100 percent affordable development.

COAH or the COUNCIL: means the New Jersey Council on Affordable Housing established under the Act which has primary jurisdiction for the administration of housing obligations in accordance with sound regional planning consideration in the State.

DEVELOPMENT FEES : Money paid by an individual, person, partnership, association, company or corporation for the improvement of property as permitted by COAH regulations.□

DEVELOPER: means the legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.

EQUALIZED ASSESSED VALUE : The value of a property determined by the Municipal Tax Assessor through a process designed to ensure that all property in the municipality is assessed at the same assessment ratio or ratios required by law. Estimates at the time of building permit may be obtained by the Tax Assessor utilizing estimates for construction cost. Final "equalized assessed value" will be determined at project completion by the Municipal Tax Assessor.□

GREEN BUILDING STRATEGIES: means those strategies that minimize the impact of development on the environment, and enhance the health, safety and well-being of residents by producing durable, low-maintenance, resource-efficient housing while making optimum use of existing infrastructure and community services.

SUBSTANTIVE CERTIFICATION : A determination by COAH approving a municipality's housing

element and fair share plan in accordance with the provisions of the Fair Housing Act, N.J.S.A. 52:27D-301 et seq., and the regulations promulgated thereunder or a judgment of compliance entered by a court of competent jurisdiction. A grant of substantive certification shall be valid for a period of six (6) years in accordance with the terms and conditions contained therein. □

□

§90-52.2. Residential Development fees.

a) Imposed fees

- i. Within the all zoning district(s), residential developers, except for developers of the types of development specifically exempted below, shall pay a fee of one and a half (1.5%) percent of the equalized assessed value for residential development provided no increased density is permitted.
- ii. When an increase in residential density pursuant to N.J.S.A. 40:55D-70d(5) (known as a "d" variance) has been permitted, developers may be required to pay a development fee of Six (6%) percent of the equalized assessed value for each additional unit that may be realized. However, if the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.

Example: If an approval allows four units to be constructed on a site that was zoned for two units, the fees could equal one and a half percent of the equalized assessed value on the first two units; and the specified higher percentage up to six percent of the equalized assessed value for the two additional units, provided zoning on the site has not changed during the two-year period preceding the filing of such a variance application.

C. Eligible exactions, ineligible exactions and exemptions for residential development

- i. Affordable housing developments and developments where the developer has made a payment in lieu of on-site construction of affordable units shall be exempt from development fees.
- ii. Developments that have received preliminary or final site plan approval prior to the adoption of a municipal development fee ordinance shall be exempt from development fees, unless the developer seeks a substantial change in the approval. Where a site plan approval does not apply, a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for this purpose. The fee percentage shall be vested on the date that the building permit is issued.
- iii. Development fees shall be imposed and collected when an existing structure undergoes a change to a more intense use, is demolished and replaced, or is expanded, if the expansion is not otherwise exempt from the development fee requirement. The development fee shall be calculated on the increase in the equalized assessed value of the improved structure.

§90-52.3. Non-residential Development fees

a) Imposed fees

- i. Within all zoning districts, non-residential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to two and one-half (2.5) percent of the equalized assessed value of the land and improvements, for all new non-residential construction on an unimproved lot or lots.
- ii. Non-residential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to two and one-half (2.5) percent of the increase in equalized assessed value resulting from any additions to existing structures to be used for non-residential purposes.
- iii. Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of two and a half percent (2.5%) shall be calculated on the difference between the equalized assessed value of the pre-existing land and improvement and the equalized assessed value of the newly improved structure, i.e. land and improvement, at the time final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the non-residential development fee shall be zero.

b) Eligible exactions, ineligible exactions and exemptions for non-residential development

- i. The non-residential portion of a mixed-use inclusionary or market rate development shall be subject to the two and a half (2.5) percent development fee, unless otherwise exempted below.
- ii. The 2.5 percent fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.
- iii. Non-residential developments shall be exempt from the payment of non-residential development fees in accordance with the exemptions required pursuant to P.L.2008, c.46, as specified in the Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption" Form. Any exemption claimed by a developer shall be substantiated by that developer.
- iv. A developer of a non-residential development exempted from the non-residential development fee pursuant to P.L.2008, c.46 shall be subject to it at such time the basis for the exemption no longer applies, and shall make the payment of the non-residential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the non-residential development, whichever is later.
- v. If a property which was exempted from the collection of a non-residential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within 45 days of the termination of the property tax exemption. Unpaid non-residential development fees under these circumstances may be enforceable by The Borough of Prospect Park as a lien against the real property of the owner.

§90-52.4. Collection of fees procedures.

- A. Developers shall pay fifty percent (50%) of the calculated development fee to the borough at the issuance of building permits. For purposes of this payment, the development fee shall be estimated by the Tax Assessor prior to the issuance of building permits.
- B. Developers shall pay the remaining fee to the borough at the issuance of certificates of occupancy. At the issuance of certificates of occupancy, the Tax Assessor shall calculate the equalized assessed value and the appropriate development fee. The developer shall be responsible for paying the difference between the fee calculated at certificate of occupancy and the amount paid at building permit. □
- A. Upon the granting of a preliminary, final or other applicable approval, for a development, the applicable approving authority shall direct its staff to notify the construction official responsible for the issuance of a building permit.
- B. For non-residential developments only, the developer shall also be provided with a copy of Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption" to be completed as per the instructions provided. The Developer of a non-residential development shall complete Form N-RDF as per the instructions provided. The construction official shall verify the information submitted by the non-residential developer as per the instructions provided in the Form N-RDF. The Tax assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.
- C. The construction official responsible for the issuance of a building permit shall notify the local tax assessor of the issuance of the first building permit for a development which is subject to a development fee.
- D. Within 90 days of receipt of that notice, the municipal tax assessor, based on the plans filed, shall provide an estimate of the equalized assessed value of the development.
- E. The construction official responsible for the issuance of a final certificate of occupancy notifies the local assessor of any and all requests for the scheduling of a final inspection on property which is subject to a development fee.
- F. Within 10 business days of a request for the scheduling of a final inspection, the municipal assessor shall confirm or modify the previously estimated equalized assessed value of the improvements of the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.
- G. Fifty percent of the development fee shall be collected at the time of issuance of the building permit. The remaining portion shall be collected at the issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at building permit and that determined at issuance of certificate of occupancy.
- H. Appeal of development fees
 - (1) A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by the Board,

collected fees shall be placed in an interest bearing escrow account by the Borough of Prospect Park. Appeals from a determination of the Board may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S.54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

- (2) A developer may challenge non-residential development fees imposed by filing a challenge with the Director of the Division of Taxation. Pending a review and determination by the Director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest bearing escrow account by the Borough of Prospect Park. Appeals from a determination of the Director may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S.54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

§57-52.5. Housing trust fund.

- A. There is hereby created an interest-bearing housing trust fund for the purpose of receiving development fees from residential and nonresidential developers. All development fees paid by developers pursuant to this ordinance shall be deposited into this fund. No money shall be expended from the housing trust fund unless the expenditure conforms with a spending plan approved by COAH. □
- B. If COAH determines that the borough is not in conformance with COAH's rules on development fees, COAH is authorized to direct the manner in which all development fees collected pursuant to this ordinance shall be expended. Such authorization is pursuant to this ordinance, COAH's regulations on development fees and the written authorization from the governing body to the bank in which the housing trust fund is maintained.
- C. Upon approval by COAH and by the Division of Local Government Services, the Borough of Prospect Park shall invest development fee revenue and proceeds from the sale of units with extinguished controls into the State of New Jersey Cash Management Fund, provided that the funds in the Cash Management account that comprise the deposits and income attributable to such deposits shall at all times be identifiable.
- D. The following additional funds shall be deposited in the Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:
1. payments in lieu of on-site construction of affordable units;
 2. developer contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible;
 3. rental income from municipally operated units;
 4. repayments from affordable housing program loans;
 5. recapture funds;
 6. proceeds from the sale of affordable units; and
 7. any other funds collected in connection with the Borough of Prospect Park's affordable housing program.
- E. Within seven days from the opening of the trust fund account, the Borough of Prospect Park shall provide COAH with written authorization, in the form of a three-party escrow agreement

between the municipality, the bank and COAH to permit COAH to direct the disbursement of the funds as provided for in N.J.A.C. 5:97-8.13(b).

- F. All interest accrued in the housing trust fund shall only be used on eligible affordable housing activities approved by COAH.

§57-52.6. Use of funds.

- A. Money deposited in a housing trust fund may be used for any activity approved by COAH for addressing the boroughs moderate-income housing obligation. Such activities may include but are not necessarily limited to housing rehabilitation; new construction; regional contribution agreements; the purchase of land for low- and moderate-income housing; extensions and/or improvements of roads and infrastructure to low- and moderate-income housing sites; assistance designed to render units to be more affordable to low- and moderate-income people; and administrative costs necessary to implement the borough's housing element. The expenditure of all money shall conform to a spending plan approved by COAH. □
- B. No more than twenty percent (20%) of the revenues shall be expended on administrative costs necessary to develop, revise or implement the housing element. Examples of eligible administrative activities include personnel; consultant services; space costs; consumable supplies; and rental or purchase of equipment. □
- A. The expenditure of all funds shall conform to a spending plan approved by COAH. Funds deposited in the housing trust fund may be used for any activity approved by COAH to address the Borough of Prospect Park's fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to: preservation or purchase of housing for the purpose of maintaining or implementing affordability controls, rehabilitation, new construction of affordable housing units and related costs, accessory apartment, market to affordable, or regional housing partnership programs, conversion of existing non-residential buildings to create new affordable units, green building strategies designed to be cost saving and in accordance with accepted national or state standards, purchase of land for affordable housing, improvement of land to be used for affordable housing, extensions or improvements of roads and infrastructure to affordable housing sites, financial assistance designed to increase affordability, administration necessary for implementation of the Housing Element and Fair Share Plan, or any other activity as permitted pursuant to N.J.A.C. 5:97-8.7 through 8.9 and specified in the approved spending plan.
- (1) Funds shall not be expended to reimburse the Borough of Prospect Park for past housing activities.
- (2) At least 30 percent of all development fees collected and interest earned shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in the municipal Fair Share Plan. One-third of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning 30 percent or less of median income by region.
- i. Affordability assistance programs may include down payment assistance, security deposit assistance, low interest loans, rental assistance, assistance with

homeowners association or condominium fees and special assessments, and assistance with emergency repairs.

- ii. Affordability assistance to households earning 30 percent or less of median income may include buying down the cost of low or moderate income units in the municipal Fair Share Plan to make them affordable to households earning 30 percent or less of median income. The use of development fees in this manner shall entitle the Borough of Prospect Park to bonus credits pursuant to N.J.A.C. 5:97-3.7.
- iii. Payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.

(3) The Borough of Prospect Park may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including the requirement for affordability assistance, in accordance with N.J.A.C. 5:96-18.

(4) No more than 20 percent of all revenues collected from development fees, may be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, a Housing Element and Fair Share Plan, and/or an affirmative marketing program. In the case of a rehabilitation program, no more than 20 percent of the revenues collected from development fees shall be expended for such administrative expenses. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with COAH's monitoring requirements. Legal or other fees related to litigation opposing affordable housing sites or objecting to the Council's regulations and/or action are not eligible uses of the affordable housing trust fund.

§57-52.7 Use of funds Expiration of ordinance.

This ordinance shall expire if: ☐

A. COAH or a court of competent jurisdiction revokes substantive certification. ☐

B. Substantive certification/judgment of repose expires prior to the borough filing an adopted housing element with COAH, petitioning for substantive certification or receiving COAH or court approval of this ordinance. ☐

§57-52.8. Use of funds Transfer of low-and moderate-income housing unit obligations via Regional Contribution Agreement.

- A. In-lieu contribution. A developer and the borough may enter into an agreement whereby the developer may make a contribution to the borough in accordance with Ordinance No. 93-9517 in lieu of constructing low- and moderate-income housing on-site, provided that a minimum of fifty percent (50%) of the borough's housing obligation for households is approved and/or constructed within the Borough of Prospect Park, provided that COAH approves such agreement. ☐

- B. Distribution of low- and moderate-income dwelling units. Of the remaining low- and moderate-income housing units built on site, fifty percent (50%) shall be for moderate income households and fifty percent (50%) shall be for low-income households in accordance with the provisions of Ordinance No. 93-95 1, as amended. This provision may be modified by agreement between the borough and a developer who has succeeded in interest to a developer with an approved site plan and who has filed for bankruptcy, provided that COAH approves said agreement. □
- C. Limitation. In-lieu contributions shall be made in accordance with the applicable provisions of COAH regulations and borough ordinances. Further, developers transferring fifty percent (50%) or more of their low- and moderate-income housing obligation in accordance with §57-52C of this Article will not be permitted to make an in-lieu contribution in accordance with this §57-59. □

§57-52.9. Use of funds Monitoring

- A. The Borough of Prospect Park shall complete and return to COAH all monitoring forms included in monitoring requirements related to the collection of development fees from residential and non-residential developers, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, barrier free escrow funds, rental income, repayments from affordable housing program loans, and any other funds collected in connection with the Borough of Prospect Park's housing program, as well as to the expenditure of revenues and implementation of the plan certified by COAH. All monitoring reports shall be completed on forms designed by COAH.

§57-52.10. Ongoing collection of fees

- A. The ability for the Borough of Prospect Park to impose, collect and expend development fees shall expire with its substantive certification unless the Borough of Prospect Park has filed an adopted Housing Element and Fair Share Plan with COAH, has petitioned for substantive certification, and has received COAH's approval of its development fee ordinance. If the Borough of Prospect Park fails to renew its ability to impose and collect development fees prior to the expiration of substantive certification, it may be subject to forfeiture of any or all funds remaining within its municipal trust fund. Any funds so forfeited shall be deposited into the "New Jersey Affordable Housing Trust Fund" established pursuant to section 20 of P.L.1985, c.222 (C.52:27D-320). The Borough of Prospect Park shall not impose a residential development fee on a development that receives preliminary or final site plan approval after the expiration of its substantive certification or judgment of compliance, nor shall the Borough of Prospect Park retroactively impose a development fee on such a development. The Borough of Prospect Park shall not expend development fees after the expiration of its substantive certification or judgment of compliance.

Appendix 2

REHABILITATION PROGRAM (N.J.A.C. 5:97-6.2)

General Description

Municipality/County: Borough of Prospect Park, Passaic County

Program Name: Municipal Housing Rehabilitation Program

Number of proposed units to be rehabilitated: 16

Information and Documentation Required with Petition

- ☒ Determination of Rehabilitation Share
- ☒ Accept number in N.J.A.C. 5:97 – Appendix B; **OR**
- ☐ Exterior Housing Survey conducted by the municipality
- ☐ Information regarding the rehabilitation program on forms provided by the Council. (If relying on previously submitted 2007 monitoring and/or subsequent CTM update, also check here ☐ in lieu of submitting forms.)
- ☒ Documentation demonstrating the source(s) of funding
- ☐ Municipal resolution appropriating funds from general revenue or a resolution of intent to bond in the event of a funding shortfall
- ☒ Schedule illustrating how the rehabilitation share will be addressed within the period of substantive certification

Information and Documentation Required Prior to Substantive Certification

- ☐ Resolution or executed contract designating an experienced Administrative Agent, and a statement of his/her qualifications, in accordance with N.J.A.C. 5:96-18
- ☐ Draft or adopted rehabilitation operating manual that includes a description of the program procedures and administration including a copy of sample deed restriction and/or lien.
- ☐ Affirmative Marketing Plan for the re-rental of rehabilitated rental units, in accordance with UHAC

Rehabilitation Narrative Section

The rehabilitation obligation is defined as the number of deficient housing units occupied by low- and moderate-income households within a municipality (NJAC 5:97-1.4). COAH has calculated Prospect Park's rehabilitation obligation to be 60 units. The Borough is investigating partnering with the Northwest New Jersey Community Action Program, Inc. (NORWESCAP) a nonprofit corporation or another agency for the purposes of administering the rehabilitation of units occupied by low- and moderate-income households. The program is anticipated to be funded through monies obtained through the Small Cities Community Development Block Grant program, the Borough's newly created development fee ordinance and other funding sources to be determined.

Prospect Park's rehabilitation program would be implemented in a manner which would adhere to the regulations in NJAC 5:97-6.2. Specifically, all rehabilitated units would comply with the definition of a deficient unit in NJAC 5:97-1.4, which states, "a housing unit with health and safety code violations that require the repair or replacement of a major system." Major systems include weatherization, roofing, plumbing, heating, electricity, sanitary plumbing, lead paint abatement and/or load-bearing structural systems. All rehabilitated units would meet the applicable construction code. Additionally, all rehabilitated units would be occupied by low- or moderate-income households and upon completion of the rehabilitation, ten (10) year affordability controls would be placed on the property in the form of a lien or deed restriction.

All rehabilitations would have an average hard cost of \$10,000. In addition to funds provided by state, county and federal agencies, the Borough of Prospect Park would provide any funding from the affordable housing trust fund as necessary to supplement the cost to satisfy the rehabilitation obligation. The Borough seeks a waiver from bonding in case of a funding short fall at this time.

Appendix 3

Appendix 4



MUNICIPALITY, COUNTY
SERVICE LIST
N.J.A.C. 5:96-3.7



2. The names and addresses of owners of all new or additional sites included in the Fair Share Plan;

		BLOCK	83
PROJECT NAME	<u>Tilcon Quarry</u>	LOT	<u>1</u>
PROPERTY OWNER	<u>Tilcon Quarry</u>	TITLE	
EMAIL		PHONE NO.	
ADDRESS	<u>PO Box 517</u> <u>Wharton, NJ 07885</u>	FAX NO.	

		BLOCK	48
PROJECT NAME	<u>Arc of Bergen/Passaic</u>	LOT	<u>33</u>
PROPERTY OWNER	<u>The Arc of Bergen and Passaic Counties Inc.</u>	TITLE	<u>Senior Vice President</u>
EMAIL	<u>'Arcalices@aol.com'</u>	PHONE NO.	<u>201-343-0322</u> <u>x 248</u>
ADDRESS	<u>223 Moore St.</u> <u>Hackensack, NJ 07601</u>	FAX NO.	

		BLOCK	
PROJECT NAME		LOT	
PROPERTY OWNER		TITLE	
EMAIL		PHONE NO.	
ADDRESS		FAX NO.	

		BLOCK	
PROJECT NAME		LOT	
PROPERTY OWNER		TITLE	
EMAIL		PHONE NO.	
ADDRESS		FAX NO.	

		BLOCK	
PROJECT NAME		LOT	
PROPERTY OWNER		TITLE	